

106TH CONGRESS  
2D SESSION

# H. R. 5461

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## AN ACT

To amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.



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## AN ACT

To amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Shark Finning Prohi-  
3 bition Act”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this title is to eliminate shark-finning  
6 by addressing the problem comprehensively at both the na-  
7 tional and international levels.

8 **SEC. 3. PROHIBITION ON REMOVING SHARK FIN AND DIS-**  
9 **CARDING SHARK CARCASS AT SEA.**

10 Section 307(1) of the Magnuson-Stevens Fishery  
11 Conservation and Management Act (16 U.S.C. 1857(1))  
12 is amended—

13 (1) by striking “or” after the semicolon in sub-  
14 paragraph (N);

15 (2) by striking “section 302(j)(7)(A).” in sub-  
16 paragraph (O) and inserting “section 302(j)(7)(A);  
17 or”; and

18 (3) by adding at the end the following:

19 “(P)(i) to remove any of the fins of a  
20 shark (including the tail) and discard the car-  
21 cass of the shark at sea;

22 “(ii) to have custody, control, or possession  
23 of any such fin aboard a fishing vessel without  
24 the corresponding carcass; or

25 “(iii) to land any such fin without the cor-  
26 responding carcass.

1 “For purposes of subparagraph (P) there is a rebut-  
2 table presumption that any shark fins landed from  
3 a fishing vessel or found on board a fishing vessel  
4 were taken, held, or landed in violation of subpara-  
5 graph (P) if the total weight of shark fins landed or  
6 found on board exceeds 5 percent of the total weight  
7 of shark carcasses landed or found on board.”.

8 **SEC. 4. REGULATIONS.**

9 No later than 180 days after the date of the enact-  
10 ment of this Act, the Secretary of Commerce shall promul-  
11 gate regulations implementing the provisions of section  
12 3076(1)(P) of the Magnuson-Stevens Fishery Conserva-  
13 tion and Management Act (16 U.S.C. 1857(1)(P)), as  
14 added by section 403 of this title.

15 **SEC. 5. INTERNATIONAL NEGOTIATIONS.**

16 The Secretary of Commerce, acting through the Sec-  
17 retary of State, shall—

18 (1) initiate discussions as soon as possible for  
19 the purpose of developing bilateral or multilateral  
20 agreements with other nations for the prohibition on  
21 shark-finning;

22 (2) initiate discussions as soon as possible with  
23 all foreign governments which are engaged in, or  
24 which have persons or companies engaged in shark-  
25 finning, for the purposes of—

1           (A) collecting information on the nature  
2           and extent of shark-finning by such persons  
3           and the landing or transshipment of shark fins  
4           through foreign ports; and

5           (B) entering into bilateral and multilateral  
6           treaties with such countries to protect such spe-  
7           cies;

8           (3) seek agreements calling for an international  
9           ban on shark-finning and other fishing practices ad-  
10          versely affecting these species through the United  
11          Nations, the Food and Agriculture Organization's  
12          Committee on Fisheries, and appropriate regional  
13          fishery management bodies;

14          (4) initiate the amendment of any existing  
15          international treaty for the protection and conserva-  
16          tion of species of sharks to which the United States  
17          is a party in order to make such treaty consistent  
18          with the purposes and policies of this section;

19          (5) urge other governments involved in fishing  
20          for or importation of shark or shark products to ful-  
21          fill their obligations to collect biological data, such  
22          as stock abundance and by-catch levels, as well as  
23          trade data, on shark species as called for in the  
24          1995 Resolution on Cooperation with FAO with Re-

1       gard to study on the Status of Sharks and By-Catch  
2       of Shark Species; and

3               (6) urge other governments to prepare and sub-  
4       mit their respective National Plan of Action for the  
5       Conservation and Management of Sharks to the  
6       2001 session of the FAO Committee on Fisheries, as  
7       set forth in the International Plan of Action for the  
8       Conservation and Management of Sharks.

9   **SEC. 6. REPORT TO CONGRESS.**

10       The Secretary of Commerce, in consultation with the  
11   Secretary of State, shall provide to Congress, by not later  
12   than 1 year after the date of the enactment of this Act,  
13   and every year thereafter, a report which—

14               (1) includes a list that identifies nations whose  
15       vessels conduct shark-finning and details the extent  
16       of the international trade in shark fins, including es-  
17       timates of value and information on harvesting of  
18       shark fins, and landings or transshipment of shark  
19       fins through foreign ports;

20               (2) describes the efforts taken to carry out this  
21       title, and evaluates the progress of those efforts;

22               (3) sets forth a plan of action to adopt inter-  
23       national measures for the conservation of sharks;  
24       and

1           (4) includes recommendations for measures to  
2       ensure that United States actions are consistent  
3       with national, international, and regional obligations  
4       relating to shark populations, including those listed  
5       under the Convention on International Trade in En-  
6       dangered Species of Wild Flora and Fauna.

7   **SEC. 7. RESEARCH.**

8       The Secretary of Commerce, subject to the avail-  
9       ability of appropriations authorized by section 410, shall  
10      establish a research program for Pacific and Atlantic  
11      sharks to engage in the following data collection and re-  
12      search:

13           (1) The collection of data to support stock as-  
14      sessments of shark populations subject to incidental  
15      or directed harvesting by commercial vessels, giving  
16      priority to species according to vulnerability of the  
17      species to fishing gear and fishing mortality, and its  
18      population status.

19           (2) Research to identify fishing gear and prac-  
20      tices that prevent or minimize incidental catch of  
21      sharks in commercial and recreational fishing.

22           (3) Research on fishing methods that will en-  
23      sure maximum likelihood of survival of captured  
24      sharks after release.



1           (4) Research on methods for releasing sharks  
2       from fishing gear that minimize risk of injury to  
3       fishing vessel operators and crews.

4           (5) Research on methods to maximize the utili-  
5       zation of, and funding to develop the market for,  
6       sharks not taken in violation of a fishing manage-  
7       ment plan approved under section 303 or of section  
8       307(1)(P) of the Magnuson-Stevens Fishery Con-  
9       servation and Management Act (16 U.S.C. 1853,  
10      1857(1)(P)).

11          (6) Research on the nature and extent of the  
12      harvest of sharks and shark fins by foreign fleets  
13      and the international trade in shark fins and other  
14      shark products.

15 **SEC. 8. WESTERN PACIFIC LONGLINE FISHERIES COOPERA-**  
16 **TIVE RESEARCH PROGRAM.**

17      The National Marine Fisheries Service, in consulta-  
18      tion with the Western Pacific Fisheries Management  
19      Council, shall initiate a cooperative research program with  
20      the commercial longlining industry to carry out activities  
21      consistent with this title, including research described in  
22      section 407 of this title. The service may initiate such  
23      shark cooperative research programs upon the request of  
24      any other fishery management council.

1 **SEC. 9. SHARK-FINNING DEFINED.**

2       In this Act, the term “shark-finning” means the tak-  
3 ing of a shark, removing the fin or fins (whether or not  
4 including the tail) of a shark, and returning the remainder  
5 of the shark to the sea.

6 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7       There are authorized to be appropriated to the Sec-  
8 retary of Commerce for fiscal years 2001 through 2005  
9 such sums as are necessary to carry out this title.

      Passed the House of Representatives October 30,  
2000.

Attest:

*Clerk.*